THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.15002 of 2001

DATED:19.07.2006

Between:

M/s. Southern India Beedi Works Limited, Nirmal Registered Office at Bajwa, Baroda District, represented by its General Power of Attorney Sri Babubhaison ofAtmaramdas Patel

..Petitioner

And

The Government of Andhra pradesh, represented by the Appellate Authority, under the Forest Act & Rules-cum-Conservator of Forests. And another

..Respondents

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ORDER:

The petitioner challenges the order, dated 15.05.2001, through which the first respondent rejected the appeal preferred by him, against the order passed by the second respondent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Forest.

The petitioner is a beedi contractor. During the course of inspection, by the Forest Range Officer, Nirmal, over the go-downs of the petitioner, it was found that 125 bags of beedi leaves were unaccounted for. The petitioner, in turn, paid a sum of Rs.1,95,642/-, as compounding fee. The second respondent passed appropriate orders in this regard.

The petitioner filed an appeal before the first respondent against the order, dated 13.12.2000, passed by the second respondent. The appeal was rejected on 15.05.2001.

The grievance of the petitioner is that the first respondent did not issue any notice of hearing before dismissing the appeal.

In the counter-affidavit filed on behalf of respondents, it stated that it is not a regular appeal and all the contentions raised on behalf of the appellant therein were considered with reference to the record and remarks furnished by the concerned authority.

This Court would have examined various contentions advanced on behalf of the petitioner but for certain developments. Firstly, the petitioner itself paid the compounding fee, thereby, disclosing that it agreed for compounding of the violation. Secondly, even by the time, the interim order granted by this Court on 23.07.2001, the seized stock was sold and the sale was confirmed. Further, third party rights have accrued and such parties are not before this Court.

For the foregoing reasons, the Writ Petition is dismissed. There shall be no order as to costs.

L. NARASIMHA REDDY, J

19th July 2006.

GJ